



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: December 21, 2010
To: Honorable Mayor & City Council
From: Mahdi Aluzri
Subject: Request by Vice Mayor Brucker to extend Commissioner Noah Furie's term as a Planning Commissioner to allow the Planning Commission to continue review of a specific project
Attachments: Proposed Ordinance

INTRODUCTION

This report transmits a request by Vice Mayor Brucker to extend Commissioner Noah Furie's term as a Planning Commissioner to allow him to continue participating in the on-going review of the Lexus project proposed at 9230 Wilshire Boulevard. This request is submitted because the newly appointed Commissioner, Brian Rosenstein, has indicated his intent to recuse himself from participating in the review process of this project to avoid the appearance of a conflict of interest. To allow the Planning Commission to benefit from the participation by a full complement of five commissioners, and to take advantage the knowledge Commissioner Furie's has already developed in reviewing the environmental documentation and participating in the process completed to date for this project, it is suggested that Commissioner Furie continue to participate in the consideration of this project.

The City Council/Planning Commission Liaison Subcommittee is scheduled to meet at 2:00 pm on December 21st to confirm this request and will bring forth their recommendation to the full Council on the same day.

DISCUSSION

Commissioner Furie's term as a Planning Commissioner expired on December 17, 2010. Because this is his second term, he is not eligible for reappointment under Municipal Code Section 2-2-105(B). The City Council recently appointed Brian Rosenstein as Commissioner Furie's replacement and he will begin his term at the January 13, 2011 Planning Commission meeting. Concern has been expressed over the availability of incoming Commissioner Rosenstein to participate in the review of the Lexus proposal as it proceeds through the public

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hearing process. The project eventually requires review and final decision by the City Council in light of the amendments to the General Plan and Zoning that are contemplated.

The project was first submitted to the City in March of 2007. After several revisions to the project, a public scoping meeting was held in April of 2009 to comment on environmental issues to be addressed in the required Environmental Impact Report ("EIR"). The Planning Commission held previews to discuss the project at its meetings of November 19, 2010 and February 11, 2010. Further refinements to the project were made by the applicant team and a Draft EIR was released for a 45-day public comment period from September 3, 2010 to October 18, 2010.

At its meeting of September 16, 2010, the Planning Commission held a public hearing to consider the Draft EIR and requested that additional environmental analysis be conducted. A second hearing was held on December 16, 2010 to discuss land use policy issues. A third hearing will be scheduled subsequent to completion of the Final EIR, which is expected to be in late January 2011. Subsequent hearings may also be required before the Planning Commission completes its review and forwards their recommendations to the City Council.

Commissioner Rosenstein has indicated that he expects to recuse himself from consideration of the Lexus project because a family member recently purchased a nearby property. Extending Commissioner Furie's term for the limited purpose of participating in the review of the Lexus Project will ensure continuity in the review process and allow the Commission to conduct a more informed and full review of this important project. Commissioner Furie has extensive experience in land use matters and has worked on many complicated projects. His experience on the Commission and his knowledge of land use issues will help them assess the project and formulate their recommendations to the City Council.

The City Attorney's office has prepared the attached ordinance for the City Council's review. It has been included on the consent calendar for the Council's consideration.

FISCAL IMPACT

None

RECOMMENDATION

If the City Council agrees with this request, it is recommended that the ordinance extending Commissioner Furie's term of service as a Planning Commissioner, for the limited purpose of reviewing the Lexus Project, be introduced during the consent calendar section of the formal agenda.

Mahdi Aluzri
Approved By



Attachment 1

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF BEVERLY HILLS
EXTENDING THE TERM OF PLANNING COMMISSIONER
NOAH FURIE FOR THE LIMITED PURPOSE OF
PARTICIPATING IN REVIEW OF A PROPOSED PROJECT

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS HEREBY ORDAINS AS
FOLLOWS:

Section 1. The City Council finds:

1.1 In accordance with the provisions of the Beverly Hills Municipal Code, the City Council duly appointed Noah Furie to the City of Beverly Hills Planning Commission (“Planning Commission”) on December 18, 2004 to serve an initial term of two (2) years.

1.2 In accordance with the provisions of the Beverly Hills Municipal Code, the City Council reappointed Commissioner Furie to a second term on December 18, 2006 to serve for an additional four (4) years. Commissioner Furie’s term is set to expire on December 17, 2010.

1.3 Pursuant to Section 2-2.105(B), Planning Commissioners who serve two (2) successive terms are not eligible for reappointment to the Planning Commission. Accordingly, Commissioner Furie may not be reappointed to serve on the Planning Commission.

1.4 The Commissioner appointed to replace Commissioner Furie, expressed his intent to recuse himself from the Commission’s review of the pending Lexus Project at 9230 Wilshire Boulevard (“Lexus Project”) because a family member recently acquired real property in the vicinity of the Lexus Project site. The City Council desires a full Planning Commission of five members to consider this important project. In addition, the City Council believes the City would benefit from having continuity among the Commissioners in considering this complicated project. Therefore, notwithstanding any other provision in the Municipal Code to the contrary, the City Council hereby extends Commissioner Furie’s term as a Planning Commissioner for the sole and limited purpose of reviewing the Lexus Project. Commissioner Furie’s extended term as described herein shall expire immediately after the Planning Commission takes final action on the pending Lexus Project.

Section 2. The City Council duly considered this matter at a public meeting and concludes that it would be in the best interest of the City to extend the term of Commissioner Furie on the Planning Commission as set forth in Section 1.4 above.

Section 3. To the extent necessary, this Ordinance amends the provisions of Beverly Hills Municipal Code, Title 2, Chapter 2, Article 1 to allow the City Council to grant an extension of the terms of Planning Commissioners under the circumstances described in this Ordinance.

Section 4. The City Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code; shall certify to the

adoption of this Ordinance and shall cause this Ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 5. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:

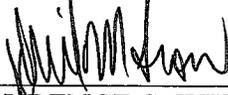
CITY OF BEVERLY HILLS
A Municipal Corporation

JIMMY DELSHAD
Mayor of the City of Beverly Hills

ATTEST:

BYRON POPE
City Clerk (SEAL)

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

JEFFREY KOLIN
City Manager